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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,326	12/15/2004	Takaya Sato	040-113	6733

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EXAMINER

DIAO, M BAYE

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/518,326

Applicant(s)

SATO ET AL.

Examiner

M'baye Diao

Art Unit

2838

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 3, 5, 7, 9, 11, 13, and 15.
Claim(s) withdrawn from consideration: 1-2, 4, 6, 8, 10, 12, and 14.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Adolf Berhane/
Adolf Berhane
Primary Examiner Art Unit 2838

The proposed amended claims do not place the application in condition of allowance because claim 3 is still anticipated by Uchida; claims 5,7,9, and 11 would be unpatentable over Uchida in view of Kaminaka and further in view of Minamiura while claims 13 and 15 would be unpatentable over Uchida in view of Kaminaka and further in view of Merritt (see Final Rejection for details).

Regarding claim 3, Uchida discloses (col. 3, lines 29+; col. 4, lines 18+; col. 5, lines 18+) and shows in Figs. 1-14 a battery charging apparatus(I) connected to a network management apparatus (2) (applicant's charging system for a rapid charge battery) which includes:

a battery charging unit (31) (applicant's charging equipment for said rapid charge battery);
a battery information reading unit (28), a display unit (16), and an output battery information reading unit (34), (all of which (28,16,34), interpreted as applicant's measurement display unit which measures deterioration and charging level of said rapid charge battery); and
a controller (20) (applicant's fee collection device) for calculating an appropriate payment fee (col. 5, lines 41-46).

Uchida further discloses (col. 3, lines 29+; col. 4, lines 18+; col. 5, lines 18+) and shows in Figs. 1-14 a battery charging apparatus(I) connected to a network management apparatus (2) (applicant's charging system for a rapid charge battery) which includes:

a central processing unit (CPU) (21) (applicant's charging processor), which is a part of the electric unit (70) (applicant's charging equipment for said rapid charge battery) as shown in Fig. 6, and;
a battery information reading unit (28), a display unit (16), and an output battery information reading unit (34), (all of which (28,16,34), interpreted as applicant's measurement display unit which measures deterioration and charging level of said rapid charge battery); and
a network management apparatus (2) or host computer system and controller (applicant's charging information center) which has data base to store user information. Uchida also discloses (col. 3, lines 32-43) that the network management apparatus (2), or host computer system and controller, includes an operation board (201) and a printer unit (203), and is connected to the battery charging apparatus (1) by a communication network line (3) (applicant's communication network), , for example, a PSTN (Public Switched Telephone Network), an ISDN (Integrated Service Digital Network), a wireless telephone network, thus meeting the limitation of," a charging information center which has a data base to store user information therein and a charging unit, wherein when the user utilizes said charging processor, said charging processor and said information center communicate with each other via a communication network.

Uchida also discloses (col. 5, lines 1-16) and shows in Figs. 1 & 6-9, the battery charging apparatus (1) (applicant's charging system for the rapid charge) that the electric device (70) (applicant's charging equipment) including the CPU (21), ROM (read only memory) (22), a RAM (random access memory) (23), a MODEM (24), a network control unit (25), a card access unit (26), a battery detecting unit (27), a battery information reading unit (28), an energy discharging unit (35), a shutter drive unit (29), a door drive unit (30), a battery charging unit (31), a timer (32) for counting a clock, a solenoid drive unit (33) for driving the stoppers (49), and (52), a display unit (16), and an output battery information reading unit (34), all of which are coupled to each other by system bus (19). The CPU (21), the ROM (22), the RAM (23), the MODEM (24), and the network communication unit (25) form a controller (20). He further discloses that the shutter drive unit (29) drives the shutters (13) and (15) by a solenoid (not shown) based on an indication of the CPU (21). Similarly the door drive unit (30) also drives the doors (41)-(44), (62), and (63) by a solenoid (not shown) based on an indication of the CPU (21). Referring to Fig. 10, the battery charging unit (31) receives an input, as an example, an AC 100V by a plug (71) and changes the AC 100V to a predetermined direct current voltage by transformer (72) and then, the battery charging unit (31) outputs a predetermined direct current voltage to a pair of electrode pins (53), (54).

Switch devices (76), (77), and (79) are included and are controlled by the controller (20). The controller (20) by turning on and off the switch device (76) and (79) enable the voltage measuring circuit (80) to output the measured voltage to the controller (20) at a predetermined time (col. 5, lines 48-65), thus meeting the limitation of" said charging information center has a control unit monitoring and controlling the deterioration of the rapid charge battery; and said control unit notifies the user via said charging processor when the deterioration of the rapid charge battery goes below a predetermined level."

Accordingly, claim 3 is anticipated.